

SENATE BILL No. 137

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-1-31.

Synopsis: Retention of election materials. Makes election materials available to the public following an election after expiration of the period for filing a petition or cross-petition for a recount of votes or to contest the election. Requires a county voter registration office to keep confidential that part of election material necessary to protect the secrecy of a voter's ballot.

Effective: Upon passage.

Landske

January 7, 2003, read first time and referred to Committee on Elections and Civic Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular Session of the General Assembly.

SENATE BILL No. 137

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-10-1-31, AS AMENDED BY P.L.199-2001,
- 2 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 UPON PASSAGE]: Sec. 31. (a) The inspector of each precinct shall
- 4 deliver the bags required by section 30(a) and 30(c) of this chapter in
- 5 good condition, together with poll lists, tally sheets, and other forms,
- 6 to the circuit court clerk when making returns.
- 7 (b) Except for unused ballots disposed of under IC 3-11-3-31 **or**
- 8 **affidavits received by the county election board under IC 3-14-5-2**
- 9 **for delivery to the foreman of a grand jury**, the circuit court clerk
- 10 shall ~~carefully preserve~~ **seal** the ballots and other material ~~and keep all~~
- 11 ~~seals intact~~ **during the time allowed to file a verified petition or**
- 12 **cross-petition for a recount of votes or to contest the election.**
- 13 **Except as provided in subsection (c), after the recount or contest**
- 14 **filing period, the election material (except for ballots, which**
- 15 **remain confidential) shall be made available for copying and**
- 16 **inspection under IC 5-14-3. The circuit court clerk shall carefully**
- 17 **preserve the sealed ballots and other material for twenty-two (22)**



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months, as required by 42 U.S.C. 1974, after which ~~they may be destroyed the sealed ballots and other material are subject to~~ **IC 5-15-6** unless:

- (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(c) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(d) Upon delivery of the poll lists, the ~~circuit court clerk or board of county voter~~ registration office may unseal the envelopes containing the poll lists. For the purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46; ~~or~~
- (2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42; ~~or~~

(3) a change of name made under IC 3-7-41;

the ~~clerk or board~~ county voter registration office may inspect the poll lists and update the registration record of the county. The clerk or board shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be ~~reseated and~~ preserved with the ballots and other materials **in the manner prescribed by subsection (b) and for the time period prescribed by subsection subsections (b) and (c).**

(e) This subsection does not apply to ballots. Notwithstanding subsection (b), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot.

~~(d)~~ **(f)** After the expiration of the period described in subsection (b) ~~or (c)~~, the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

SECTION 2. An emergency is declared for this act.

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